

“Aiming the Most Deadly Blows at our Book Concern”: Piracy and the Methodist Hymnbook, 1824-1836

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As the shadows lengthened and the summer slowly melted into autumn across Niagara in 1803, Nathan Bangs could not have been more certain that Providence was smiling down on him. Barely twenty-five years of age and Methodism’s newest preacher in the field, Bangs could hardly wait to begin helping the benighted settlers of Upper Canada flee from the wrath to come. A scant two years earlier, Bangs had arrived in the province from New England looking for work as a surveyor. But he soon found something else against the unlikely backdrop of the province’s former capital at Newark: forgiveness of his sins and a purpose that would carry him to the end of his days. Tasked with cutting new preaching circuits in the westernmost regions of the province – far from his friends and fellow Methodists in Niagara – Bangs was soon thrown back on his own feeble resources. As he later recalled, someone – “an enemy” – threw in his way a very dangerous book – a book that almost drove the young preacher out of his mind.¹ *The Memoirs of James Lackington* was published in London in 1791 – the same year John Wesley went to his eternal reward. Just as well: Wesley would have hated the book. In it Lackington cynically recounted how Wesley’s preaching had transformed him from “a gay, volatile, dissipated young fellow” into “a dull, moping, praying, psalm-singing, fanatic, continually reprehending all about me for their harmless mirth and gaiety.”²

As Bangs pored over the pages of Lackington’s book, he was shaken to his core. Unlike similar volumes impiously belched forth by the likes of

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Voltaire, David Hume, and Thomas Paine, Lackington's little volume was the work of a genuine insider. His criticisms were as informed as they were devastating. "Which way to look for relief I knew not," Bangs panicked, "for I thought God had deserted me." And, alas, even if God had not, his fellow preachers certainly had. Bangs was alone and his tiny isolated flock turned to him to refute what they claimed were Lackington's "plausible impeachments." But to his own dismay Bangs found himself more in need of help than able to give it. Instead, the young and untried preacher hung his head and sank into a protracted lethargy. "Such torment I am sure I could not have endured for many days," he wrote, "I thought that the lost could experience no greater misery. Frequently I was tempted to open my mouth in blasphemy against God, and to curse the Saviour of men." But Providence had other ideas. Like Dorothy and her ruby slippers, it turned out that Bangs had all he needed to avert disaster from the very start. In what was almost an absentminded gesture, the distressed preacher reached down into his satchel and withdrew from its folds a tiny volume easily overlooked: The Methodist hymnbook "As I read," Bangs recalled, "such a sudden glow of joy filled and overflowed my soul that I praised God aloud, and I rode on triumphing in his goodness to me and to all men."³

It would be difficult to overstate the importance hymnbooks played in the lives of early Methodists.⁴ Such books were, as Bangs well knew, powerful antidotes to doubt and despair – especially when other books were so scarce. As a book designed to be used with others, moreover, it was also a powerful tool for uniting Methodists when they gathered for congregational singing. And that meant that almost every adult Methodist, and at the very least every Methodist household, required its own copy. As Methodism grew, so too did the value of the hymnbook as a commodity. And that meant that Methodists had to be careful to protect it from those who would cynically exploit its popularity for mere commercial gain. This paper will examine how Methodists inadvertently provoked one such threat to their most lucrative title, how that threat unwound itself in a very public and very embarrassing court case, and finally how the result of that litigation dealt American Methodists a dose of their own medicine that almost certainly would have delighted the shade of John Wesley.

By the turn of the nineteenth century, the Methodist Book Concern was on a tear – and this at a time when many of America's largest printers and publishers were spiraling down into bankruptcy.⁵ At the General Conference of 1804, mere months after Bangs's narrow escape from

damnation Upper Canada's backwoods, the Book Concern was valued at an astonishing \$27,000.⁶ Yet hardly a single work, not even Freeborn Garrettson's popular journals, appeared in the copyright registry of the United States Patent Office during this period.⁷ This astonishing lack of interest in resorting to legal means to protect the Book Concern's market was rooted in the intensely denominational character of that market. Methodists were continually urged to connect their choices in the marketplace to their religious and denominational identities. Because the Methodist Book Concern directed profits back into the wider church – to support missions, to feed widows and orphans, and to supplement the meager salaries of hardworking itinerant preachers – purchasing a book from another publisher amounted to more than mere disloyalty. It was nothing short of outright theft from the church itself.⁸

The system worked remarkably well until an insider – a man very much like James Lackington – found himself compelled by circumstances to turn against it. As things turned out, Nathan Bangs – that same Nathan Bangs whose soul had been rescued from Lackington's calumnies almost a generation earlier by the Methodist hymnbook – was largely to blame. In 1820, Bangs was elected Senior Book Agent of the Methodist Book Concern.⁹ When Bangs assumed his appointment the Concern had no real estate, no press, no bindery, and no newspaper. By increasing the Concern's debt substantially, he soon provided all these. Bangs also hired the publisher's first paid staff, including its first fulltime printer Azor Hoyt.¹⁰ Under Hoyt's watchful eye the shop quickly expanded from two presses to more than a dozen.¹¹ That expansion was largely driven by the unprecedented success of the *Christian Advocate* – the Concern's wildly popular weekly newspaper.¹² But for Hoyt, all that success soon became a problem. Beginning in 1826, the *Christian Advocate* had been produced on a double-pull Washington handpress that, with two or three men operating it, could produce about 300 impressions an hour.¹³ But as more and more Methodists in the United States and Upper Canada took out subscriptions to the *Advocate*, each edition took longer and longer to produce. Within just two years the time needed for production had grown from a single day to more than four days. In a moment of desperation, and without consulting his boss Nathan Bangs, Hoyt began to experiment with a new cylinder press that promised to throw off between three and five thousand impressions in a single hour.¹⁴ Hoyt thought his problems were solved. Unfortunately for him, however, the pages that the new press

produced were perfectly illegible. Subscribers were up in arms. Bangs no doubt advised his successor as Senior Book Agent – the rising star John Emory who had been in the big chair at the Concern only a matter of months – to waste no time firing Hoyt. And that is exactly what Emory did. But although that deflected blame away from Bangs and Emory in the short term, this rash – even reckless – ouster of Hoyt soon proved itself to be a very serious miscalculation.¹⁵

Hoyt was livid. Bangs and Emory knew he would be. But what they seem to have forgotten is that their former printer was also uniquely positioned to take revenge – and recompense – using the wealth of knowledge he accumulated as the man who had kept the presses running at the Concern for years. Hoyt knew the hymnbook was far and away the Concern’s most valuable property. He also knew how to produce it. And he was determined to make that knowledge pay. As far back as 1818, the Concern had taken special care to stamp out the appeal of pirated Methodist hymnbooks. That was the year that the Concern introduced its first successful monthly – *The Methodist Magazine*. Joshua Soule, the Book Agent at the time, used the very first issue to police the denominational borders of his market by condemning in no uncertain terms the recent and unwelcome appearance of a pirated hymnbook. “A short time past,” Soule wrote, “a book was put into our hands by a friend, the title page of which begins thus, ‘The new Methodist Pocket Hymn Book.’ This heterogeneous mass had its untimely birth in a back county of this state. It is a libel upon the Methodist Episcopal Church, and a reproach to her name.” He went on to describe it as a kind of “counterfeit coin” that threatened to undo Methodism’s economy of good works unless true and loyal Methodists shunned it. “The honour of the Church,” he concluded, “whose interests we are sacredly bound to promote, calls upon us, as far as our influence extends, to prevent the circulation of such publications under the sanction of her name.”¹⁶ And thus, without recourse to copyright laws, Soule put a quietus on this threat. John Emory would have to do the same – but with one important difference: as a man intimately familiar with the Concern, its methods of production, and its denominational rhetoric, Hoyt would be a far more formidable foe.

In 1830, still stinging from his abrupt dismissal, Hoyt published his own edition of the Methodist hymnbook and offered it to booksellers for 33¢ a copy. By comparison, the cheapest edition of the Concern’s hymnbook, as Hoyt well knew, had a wholesale price of 56¢.¹⁷ And

although it was undeniably less expensive, it was also and in every way an exact facsimile of the Concern's own hymnbook. Like Soule before him, Emory resorted immediately to one of the Concern's periodicals – this time the *Christian Advocate* – to attack Hoyt's pirated edition and to remind readers of the duty they owed to the denominational publisher. All that was to be expected. And no doubt Hoyt did expect it. What he did not expect was to be attacked by name. "The time is come," Emory thundered, "when we ought to be able to distinguish *friends* from *enemies*. As a vital auxiliary of our itinerant system of spreading the gospel, there is no institution in our whole economy more important, or more efficient, than the Methodist Book Concern. Our enemies see this, and feel it. Hence every attack on Methodism, from whatever quarter, uniformly connects with it an attack, directly or indirectly, openly or secretly, on 'the Book Concern.'" And who was the enemy? None other than Azor Hoyt. "Any individual," Emory continued, "who shall knowingly have anything to do with that hymnbook, in such circumstances, cannot but be regarded as thereby participating in Mr. Hoyt's hostility, and consequently as encouraging other similar attacks, and thus aiding and abetting him and others in aiming the most deadly blows at our Book Concern, and all the charitable and important objects which it has been instituted to accomplish."¹⁸

The shrill tone and pointedness of Emory's rebuke caused a sensation. By devising "a Hymnbook as nearly like ours as he could make it," right down to the shape and lettering on the spine, Emory contended that Hoyt was attempting to fool booksellers and consumers into believing that they were purchasing an authorized hymnbook. Admittedly, a certain amount of imitation was necessary for Hoyt's hymnbook to be usable. In public worship Methodist "hymns were given out not by the number of the hymn, but by the page of the book," Lemuel Bangs, Nathan Bangs's son and the Concern's bookkeeper, would later testify. But, Bangs continued, Hoyt went much further than functional necessity required by constructing a hymnbook so like the Concern's that "it was easy to mistake the one for the other."¹⁹ Unable thus to fault the Hoyt hymnbook for either its content or its price, Emory argued, as his predecessors had before him, that the hymnbook – like any rival edition of a book sold by the Concern that somehow found its way onto the shelves of Methodists – constituted a counterfeit, lacking any denominational value because profits generated from the sale of Hoyt's hymnbook, rather than aiding "charitable and

important objects” connected with the Church’s wider interests, served only to “gratify his hostile feelings, and accomplish his own private ends.” The only way to identify a genuine hymnbook from an imitation, Emory elaborated, was to inspect its imprint. By drawing attention away from the book’s content, format, price, and material quality, and emphasizing the importance of its imprint, Emory set the Concern’s hymnbook apart from Hoyt’s rival edition as a commodity uniquely imbedded in an institutional structure that alone furthered denominational interests. Although Emory’s rhetoric may have stanch sales of rival hymnbooks, Hoyt’s eventual victory in court had the far more consequential effect of throwing the Methodist hymnbook, to Emory’s horror, into the public domain.

Atkinson’s Saturday Evening Post describes the New York State Supreme Court trial that took place near the end of January 1833 as being of “no ordinary character.” Over the course of almost an entire week the court room was “crowded with the clergy and members of the [Methodist] Society” straining to hear the testimony of Hoyt and those he accused of libel: Nathan Bangs who had hired him, John Emory who fired him, James Collard who replaced him as printer, and Beverly Waugh, who as assistant book agent had refused to authorize Hoyt’s actions.²⁰ Hoyt demanded \$5,000 in restitution. Although they jury awarded him only the sum of \$300, he won the moral victory. Far more damaging to the Concern’s long-term interests was the finding that, “There could be no monopoly on the part of the Book Concern, for they had no patent right.”²¹ It was an invitation to publishers across the United States to begin publishing their own editions of the popular and lucrative hymnbook. It also meant that the Concern’s only recourse for protecting its interests lay in foregrounding the relationship between religious identity and consumer choice in the marketplace. The quality of the Concern’s books, the price of those books, and the ready availability of those books all fell to a place of secondary importance relative to Methodism’s wider imagined and unbroken economy. In subsequent years regular columns appeared in the *Christian Advocate* and other Methodist publications warned its customers, as Emory’s indictment of Hoyt’s hymnbook had, to inspect their books closely to ensure that they bore the Concern’s imprint. This was particularly true in the case of the lucrative hymnbook, which typically carried similar pleas for patronage in prefatory material. The preface of the 1836 edition of the Concern’s hymnbook, for example, signed by the Church’s four bishops, after pointing out that all profits from its sale were directed

towards charitable purposes, adjured the reader, “if you have any respect for the authority of the Conference, or of us, or any regard for the prosperity of the Church of which you are members and friends, to purchase no Hymn Books but what are published by our own agents, and signed with the names of your Bishops.”²²

In the end, the additional stress Emory was obliged to place on the rhetorical link between patronage and denominational identity to counteract the loss of the putative publishing monopoly it had enjoyed over its hymnbook for decades may have been fortunate. Without a galvanized denominational market predicated on the widespread acceptance of such linkages it seems highly unlikely that the Concern would have survived the most serious reversal it has yet faced: the complete destruction of its largely uninsured building and stock by fire on the eve of the Panic of 1837.²³ And yet, Wesley would have, had his shade haunted the courthouse hallways, doubtless smiled at the fact that his American followers found themselves powerless to assert control over their own hymnbook. After all, that is what they had done to him some fifty years earlier. Wesley himself had long had to contend with the financial nuisance of pirated hymnbooks during his lifetime. But the effrontery of the Americans must have taken even his breath away when the Methodist Book Concern published its own edition of the Methodist Hymnbook in the 1790s. That hymnbook, astonishingly, was produced using not an authorized Methodist hymnbook, but a piracy of Wesley’s hymnbook produced by Robert Spence a decade earlier.²⁴ Perhaps the Americans had deliberately chosen the Spence hymnbook in an outward show of defiance. After all, Wesley’s unwelcome interference in their printing and publishing affairs had continued even after the Revolutionary War. However that may be, American Methodists now knew what it was like to be on the receiving end of such an exchange.

Endnotes

1. Abel Stevens, *The Life and Times of Nathan Bangs, D.D.* (New York: Carlton & Porter, 1863), 85-86.
2. James Lackington, *Memoirs: Of the First Forty-Five Years of the Life of James Lackington, the Present Bookseller in Chiswell-Street, Moorfields, London: Written by Himself: In a Series of Letter to a Friend* (London: Printed and Sold by the Author, 1791), 163.

3. Stevens, *Nathan Bangs*, 88-91. See also Scott McLaren, *Pulpit, Press and Politics: Methodists and the Market for Books in Upper Canada* (Toronto: University of Toronto Press, 2019), 40-2.
4. See, for example, Mark Noll, "The Defining Role of Hymns in Early Evangelicalism," in *Wonderful Words of Life: Hymns in American Protestant History & Theology*, ed. Richard Mouw and Mark A. Noll (Grand Rapids: Wm. B. Eerdmans, 2004), 3-16.
5. James Pilkington, *The Methodist Publishing House: A History* (Nashville: Abingdon Press, 1968), 135; John Wigger, *Taking Heaven by Storm: Methodism and the Rise of Popular Christianity in America* (Urbana: University of Illinois Press, 2001), 179; and James Green, "The Rise of Book Publishing," in *An Extensive Republic: Print, Culture, and Society in the New Nation, 1790-1840*, ed. Robert Gross and Mary Kelley (Chapel Hill: University of North Carolina Press, 2010), 94-7.
6. Pilkington, *Methodist Publishing House*, 138; and Methodist Episcopal Church, *Journals of the General Conference of the Methodist Episcopal Church* (New York: Carlton & Porter, 1855), 1:61.
7. Elizabeth Carter Wills, *Federal Copyright Records, 1790-1800* (Washington: Library of Congress, 1987), no. 222.
8. McLaren, *Pulpit, Press, and Politics*, 30-1.
9. Methodist Episcopal Church, *Journals*, 1:226.
10. Methodist Episcopal Church, *Journals*, 1:287; and Pilkington, *Methodist Publishing House*, 189.
11. *Christian Advocate and Journal* (New York), 10 October 1828, 21.
12. Stevens, *Nathan Bangs*, 236, 270.
13. Pilkington, *Methodist Publishing House*, 218.
14. "New Printing Press," *Christian Advocate and Journal* (New York), 11 April 1828, 32.
15. Although steam presses in England were typically of the cylinder type by this time, the relatively primitive state of machine shops in the United States prevented American manufacturers of presses from imitating the design. Daniel Treadwell, for example, after returning from England where he had seen cylinder steam presses in operation, designed his own power press (first operated by horse and later by steam) in Boston in 1821 using the same flat platen design typical of a hand press. Although this set modest limits on the

speed with which the Treadwell press could operate – throwing off about 600 sheets an hour or roughly twice that of a hand press – the quality of the printing was sufficiently good to attract business from many quarters including Daniel Fanshaw of the American Bible Society. Hoyt’s design, by comparison, was far more aggressive in its adoption of the English cylinder design. In the end, however, the failure of Hoyt’s press showed the wisdom of Treadwell’s technological conservatism. See Ralph Green, “Early American Power Printing Presses,” *Studies in Bibliography* 4 (1951/1952): 143-153; William Pretzer, “‘Of the paper cap and inky apron’: Journeymen Printers,” in *An Extensive Republic: Print, Culture, and Society in the New Nation*, ed. Robert Gross and Mary Kelley (Chapel Hill: University of North Carolina Press, 2010), 160-171.

16. Joshua Soule, “Introductory Address,” *Methodist Magazine*, January 1818, 6-7.
17. Pilkington, *Methodist Publishing House*, 230.
18. John Emory, “To Our Friends,” *Christian Advocate and Journal* (New York), 24 September 1830, 4.
19. “Superior Court,” *Christian Advocate and Journal* (New York), 8 February 1833, 24.
20. *Atkinson’s Saturday Evening Post*, 9 February 1833, 13 no. 2.
21. The *Christian Advocate and Journal* published a lengthy summary of the proceedings in its 8 February 1833 issue. As part of that summary, the agents also quoted in full Emory’s original article of September 1830 that precipitated the libel case.
22. Methodist Episcopal Church, *A Collection of Hymns For the Use of the Methodist Episcopal Church: Principally from the Collection of the Rev. John Wesley, M.A.* (New York: B. Waugh and T. Mason, 1836), 5.
23. McLaren, *Pulpit, Press and Politics*, 135, 153-156.
24. *A Pocket Hymn-Book, Designed as a Constant Companion for the Pious, Collected from Various Authors* (York: Printed for R. Spence, 1783); Pilkington, *Methodist Publishing House*, 72-3.

